

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
October 2, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:02 p.m., Tuesday, October 2, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and H. R. Ashe.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Ben McFarlane, York County Youth Commission, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Burgett introduced and welcomed Ms. Joy Ivey as the newest member appointed to the Colonial Services Board and presented her with a York County pin and Boards and Commissions Handbook.

YORK COUNTY YOUTH COMMISSION

Mr. Ryan Touhill, Chairman of the York County Youth Commission, gave the first quarterly report of the Commission for 2001-2002. He noted the Commission had gotten off to a fast start with a team building session in August at Hampton Roads Academy. The Commission then had its orientation at Tabb Library, and he thanked Mrs. Anne Smith, Director of Community Services, for her presentation on County government. He also expressed appreciation to Mr. Ashe and Dr. Staples for their encouraging words during the orientation. Mr. Touhill noted that last year the bylaws for the Commission had been amended to bring the total number of members to 15. He stated the Commission feels the increased membership will bring more insight and ideas to the group in meeting its goals. He indicated this year's officers are:

Ryan Touhill	Chairman
Tara Smiddy	Vice Chairman
Lindsay Jones	Secretary

He then went on to brief the Board members on the proposed activities for the Commission during the coming year. He extended the Commission's best wishes to Mr. Ashe and thanked him for his past guidance.

Discussion followed regarding the benefits of the Commission's increased membership.

Mr. Ashe stated it had been a real pleasure working with the Youth Commission. He stated he was astounded with the things they come up with and the aggressive schedule they have developed for the upcoming year. He also noted that York County is very fortunate to have Rick Smethurst, staff liaison for the Youth Commission, on its staff, for he is a wonderful role model for these young adults.

At this time Mr. Touhill, on behalf of the Youth Commission, presented Mr. Ashe with a token of their appreciation.

UPDATE ON COMMUNICATIONS SYSTEM ACQUISITION

Mr. Stephen P. Kopczynski, Fire Chief, indicated that in May of this year the Board authorized staff to go forward with Phase II of the communications system with James City County, and he indicated staff has worked diligently in moving forward since that time. In the June-July timeframe the competitive bid document was developed to meet the needs of both localities. On September 5 the Request for Proposals document was made available, and on September 17 the mandatory preproposal conference was held with 13 firms represented. He noted that all proposals are due to the County by close of business on October 12. Chief Kopczynski noted that at that time all proposals will be reviewed by the project committee, and a recommendation will be brought to the Board of Supervisors requesting authorization to contract for services with a consultant.

Sheriff J. D. Diggs then spoke concerning communication system performance issues, stating the new system will provide less noise and interference than the present system. He spoke of the experiences of other localities who now have the new system, stating any problems they experienced were due to lack of adequate training on the system rather than any system failures.

CITIZENS COMMENT PERIOD

No one appeared to speak before the Board of Supervisors at this time.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett stated that in the Board's work session package for next week was a copy of a draft legislative program for 2002. He noted it was rather lengthy, but the Board may not necessarily want to adopt the entire package. He then stated that tomorrow the Hampton Roads Planning District Commission (HRPDC) was conducting a meeting of all legislative liaisons so that the group could share each other's legislative programs, and HRPDC will select at least three items to support for 2002.

Chairman Burgett asked Mr. Barnett to update the Board on the Parking Ordinance.

Mr. Barnett stated that Mr. Carter had been in contact with VDOT which must approve any parking ordinance the County might adopt having to do with commercial vehicle parking prohibitions in York County. He stated he had prepared two different drafts, one that would establish the prohibition for a whole list of subdivisions and the other naming only York Cross-

ing in that it has been the community to have the most complaints. Mr. Barnett asked the Board which of the alternatives it would prefer to send to VDOT for its review.

Chairman Burgett stated the Board members would review the two alternatives and provide its guidance at a later time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds noted a work session was scheduled for October 9. In addition to the Legislative Program review, a review of the new personnel/programs for FY 03 will be covered. He also indicated the work session scheduled for October 23 will include a review on redistricting.

MATTERS PRESENTED BY THE BOARD

Mr. Zaremba spoke of the Historic Triangle tourist industry and the effects on it since the September 11 tragedy. He noted he had attended a meeting that morning at which time the president of Colonial Williamsburg spoke, stating it was very clear that the hotel occupancy rates were way down as were attendance rates at area attractions. Mr. Zaremba spoke of the importance of the area doing something collectively as a region to recover as quickly as possible to insure the economic stability of the community.

Mrs. Noll stated the Hampton Roads Chamber of Commerce had spear-headed an effort to promote the area, and noted she felt this was an excellent job for the Chamber to do. Businessmen should collectively get together and start this initiative because they have the expertise in promoting the area. She stated she felt government can play a supportive role if necessary, but it must be spear-headed by the business community.

Mr. Zaremba stated the federal government has promised billions of dollars toward the economic recovery, and the State has done the same. He stated it did not matter if it was the Chamber of Commerce or the government, but the leadership of all communities must step up.

Mrs. Noll indicated she attended the Hampton Roads Partnership retreat last week along with Mr. Wiggins. Transportation became the No. 1 priority along with technology and economic development next. It was noted that any successful transportation project will benefit the entire region. Mrs. Noll then indicated she had attended two of the informational meetings held concerning redistricting, and the turnout was less than good. She then encouraged those who have not yet registered to vote to do so because November 6 is Election Day.

Mr. Ashe noted he had heard that 60 conferences had been cancelled in the Williamsburg area. He stated his major concern was that everyone needs to start looking at tightening their belts because the country could be pulled into a worldwide recession.

Mr. Wiggins noted that he and Mrs. Noll also attended Barbara Lemons' installation as Pastor of Shiloh Baptist Church this past Sunday at York High School. Pastor Lemons is the first female pastor of the church, and he suggested that someone on the Historical Committee might wish to contact her about the history of the church which was founded in 1863. Mr. Wiggins stated on Sunday he also met with the Friends of the Library to help with the book sale that raised about \$2,500 to purchase equipment for the library. He then spoke concerning the turmoil the country has been in for the past three weeks since the terrorist attacks,

and explained that a blood drive at the Caritas Center was being planned by the business community. He spoke of the recession, stating he felt there had not been two quarters of negative growth, and now was the time to expand businesses and take advantage of the low interest rates. He also encouraged the staff to help business people and encourage expansion of businesses in York County. Mr. Wiggins stated the people need to have a positive attitude, go back to work, and get their lives back on track.

Chairman Burgett indicated he had attended the Peninsula Mayors and Chairs and the Hampton Roads Mayors and Chairs meetings. The primary topic was a request that the state rebate some of the income taxes, and he noted this idea was being actively pursued. He stated the Board needed to address the Drainage Committee and how the committee would be used. Chairman Burgett noted that last year sometime he saw a sign being prepared for the Tabb Library, and he asked that the Board members take a look at it so that it can be approved and erected at the library. He also suggested that a monument sign be considered for the street side of the library. Chairman Burgett then noted that the road at the landfill needs to be repaired as well as the drainage problem looked at. He then apprised the Board members and the public that scheduled for this coming Thursday at 2:00 p.m. was the groundbreaking ceremony for the new YMCA community Center, and he encouraged everyone to come out and support the new center. Lastly, Chairman Burgett proposed that the Board consider putting some type of flag pole display of the American, State, and County flags at the intersection of Route 17 and Victory Boulevard.

Meeting Recessed. At 7:55 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:03 p.m. The meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

CENTRALIZED PURCHASING POLICY AMENDMENTS

Mr. McReynolds explained that annually staff reviews the purchasing policy to see if any changes are needed to simplify and clarify or to meet State changes. He noted that only two changes were found to be necessary this year:

1) Increase the limit at which the Purchasing Agent may sign Purchase Orders from \$3,500 to \$5,000.

2) Increase the limit for change orders from \$20,000 or 10 percent to \$30,000 or 10 percent of the original contract amount, whichever is greater, without having to be brought back to the Board of Supervisors. The amendment also includes resetting the "contract amount" and not bringing the change orders back until they reach the \$30,000 or 10 percent limit.

Mr. McReynolds noted that when the ordinance was originally submitted to the Board, staff was under the impression that it had the latest information on the State's proposals for change. The State has since forwarded another version, and there are now some inconsistencies.

Mr. Barnett reviewed the changes made by the State with the major change being the effects of a reorganization to Title 2.1 of the Code of Virginia. In order for staff to insure that all the

amendments were correct, Mr. Barnett suggested that the Board hold the public hearing at this time, but table consideration until the October 16 Regular Meeting.

Chairman Burgett then called to order a public hearing on proposed Ordinance No. 01-19(R) that was duly advertised as required by law and entitled:

AN ORDINANCE TO AMEND THE CENTRALIZED PURCHASING POLICY FOR YORK COUNTY

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll moved that proposed Ordinance No. 01-19(R) be tabled until October 16, 2001.

On roll call, the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

ACCEPTANCE OF GRANT FUNDS

Mr. McReynolds explained the purpose of proposed Resolution R01-167 to accept and appropriate grant funds received from the Bureau of Justice Assistance, US Department of Justice, and the requirement to hold a public hearing on the grant funds. He explained the proposed use for the funds was to purchase equipment to be used by the Sheriff's Office.

Chairman Burgett then called to order a public hearing on proposed Resolution R01-167 which was duly advertised as required by law and entitled:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ACCEPT A GRANT AWARD TO YORK COUNTY BY THE FEDERAL BUREAU OF JUSTICE ASSISTANCE, AND APPROPRIATING THE SAME, FOR THE PURCHASE OF EQUIPMENT TO BE USED FOR CRIMINAL APPREHENSION, CRIME PREVENTION AND SOLVING, AND SECURITY AND SAFETY ENHANCEMENT PROJECTS

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

A brief discussion was held concerning the equipment to be purchased with the grant funds.

Mrs. Noll then moved the adoption of proposed Resolution R01-167 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ACCEPT A GRANT AWARD TO YORK COUNTY BY THE FEDERAL BUREAU OF JUSTICE ASSISTANCE, AND APPROPRIATING THE SAME, FOR THE PURCHASE OF EQUIPMENT TO BE USED FOR CRIMINAL APPREHENSION, CRIME PREVENTION AND SOLVING, AND SECURITY AND SAFETY ENHANCEMENT PROJECTS

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WHEREAS, the Federal Bureau of Justice Assistance has awarded York County a grant in the amount of \$58,859 in federal funds under the Local Law Enforcement Block Grant Program, subject to a requirement for a 10% local match in the amount of \$6,540; and

WHEREAS, funding exists in the Sheriff's current operating budget to provide the required 10 percent match of \$6,540; and

WHEREAS, the grant will be used to purchase equipment to be used for criminal apprehension, crime prevention and solving, and security and safety enhancement projects;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of October, 2001, that the County Administrator be, and hereby is, authorized to accept the grant awarded by the Bureau of Justice Assistance.

BE IT FURTHER RESOLVED that an additional \$58,859 be, and hereby is, appropriated in the General Fund for the purchase of software enhancements to the Sheriff's Office criminal records management system and additional computer hardware and other law enforcement equipment.

On roll call, the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

APPLICATION NO. UP-581-01, SUSAN B. TOWLER

Mr. J. Mark Carter, Planning and Zoning Manager, made a presentation, with a video showing the proposed site, on Application No. UP-581-01 requesting approval for a use permit authorizing a tax preparation service as a home occupation within a single-family detached dwelling located at 209 Hornsbyville Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R01-172.

Chairman Burgett called to order a public hearing on Application No. UP-581-01 which was duly advertised as required by law. Proposed Resolution R01-172 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A TAX PREPARATION SERVICE AS A HOME OCCUPATION AT 209 HORNSBYVILLE ROAD

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Zaremba moved the adoption of proposed Resolution R01-172 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A TAX PREPARATION SERVICE AS A HOME OCCUPATION AT 209 HORNSBYVILLE ROAD

WHEREAS, Susan B. Towler has submitted Application No. UP-581-01 to request a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to au-

thorize a tax preparation service as a home occupation within a single-family detached dwelling on property located at 209 Hornsbyville Road and further identified as Assessor's Parcel No.24G-(2)-M; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has given careful consideration to the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of October, 2001, that Application No. UP-581-01 be, and it hereby is, approved subject to the following conditions:

1. This use permit shall authorize the establishment of a tax preparation service as a home occupation within a single-family detached dwelling on property located at 209 Hornsbyville Road and further identified as Assessor's Parcel No. 24G-(2)-M.
2. The conduct of such home occupation shall be limited to an area within the existing home not to exceed 150 square feet.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No persons other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to Monday through Saturday, from 9:00 AM to 6:00 PM from January 15 to April 15. The days and hours of operation shall be limited to Monday through Friday from 9:00 AM to 2:00 PM from April 16 to January 14.
6. No more than one (1) client at any one time shall be served within the applicant's home. No more than three (3) clients shall be served per day.
7. Retail sales on the premises shall not be permitted.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. In accordance with the Zoning Ordinance, at least one (1) off-street parking space shall be provided on the premises to accommodate clients. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
10. Notwithstanding the provisions of Section 24.1-283(g) of the Zoning Ordinance, this use permit shall be subject to the use permit limits set forth in Section 24.1-115(c)(2).

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11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call, the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

UNFINISHED BUSINESS

DELINQUENT PARKING CITATIONS

Mr. Barnett made a presentation concerning the cost of sending registered mail notices versus less costly alternatives. He indicated the County's ordinance had been changed to require the notices be sent by Certified Mail which costs much less. He stated the Treasurer has indicated that the County could send two notices, the first one by regular mail; but he did not feel this needed to be included in the County's ordinance because there was nothing to prevent the Treasurer from sending an initial letter if she so chooses.

Mr. Wiggins addressed County Treasurer Debbie Robinson, asking her how many times did a notice have to be sent before payment was normally made.

Mrs. Deborah Robinson, York County Treasurer, stated the majority are paid when issued. After that, she stated she believed the first notice going out should be sent by regular mail.

Mrs. Noll then moved the adoption of proposed Ordinance No. 01-17(R) that reads:

AN ORDINANCE TO AMEND SECTION 15-44 OF CHAPTER 15, YORK COUNTY CODE, MOTOR VEHICLES AND TRAFFIC, RELATIVE TO THE PROCEDURE FOR ISSUANCE OF SUMMONSES FOR DELINQUENT PARKING CITATIONS

BE IT ORDAINED by the York County Board of Supervisors this the 2nd day of October, 2001, that section 15-44, York County Code, be and it is hereby amended as follows:

Sec. 15-44. Procedure of delinquent parking citations.

- (a) The treasurer shall cause a complaint or summons to be issued for delinquent parking citations.
- (b) Notwithstanding the provisions of subsection (a) above, before any summons shall issue for the prosecution of a violation of this Code or other ordinance of the county regulating parking, the violator shall have been first notified by certified mail at his last known address or at the address shown for such violator on the records of the state Department of Motor Vehicles, that he may pay the fine provided by law for such violation, within five (5) days of receipt of such notice, and the officer issuing such summons shall be notified that the violator has failed to pay such fine within such time. The notice to the violator required by the provisions of this section shall be contained

in an envelope bearing the words "Law Enforcement Notice" stamped or printed on the face thereof in fourteen point or larger type.

On roll call, the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

CONSENT CALENDAR

Mr. Zaremba moved that the Consent Calendar be approved as submitted, Item Nos. 5 and 6, respectively.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 5. APPROVAL OF MINUTES

The Board approved the minutes of the following meetings of the York County Board of Supervisors:

September 4, 2001, Regular Meeting

Item No. 6. CONTRACT FOR ELECTRIC SERVICE WITH VIRGINIA ELECTRIC AND POWER COMPANY: Resolution R01-168

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH VIRGINIA ELECTRIC AND POWER COMPANY FOR THE PROVISION OF ELECTRIC SERVICE

WHEREAS, the County's current electric service agreement with Virginia Electric and Power Company has expired, necessitating the renegotiation of the agreement; and

WHEREAS, on behalf of their member local governments, the Virginia Municipal League and the Virginia Association of Counties have negotiated a revised electric service agreement which this Board finds acceptable and beneficial to the County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of October, 2001, that the County Administrator is authorized to execute that certain "Agreement for the Provision of Electric Service to Municipalities and Counties of the Commonwealth of Virginia from Virginia Electric and Power Company," dated as of August 8, 2001, such agreement to be approved as to form by the County Attorney.

NEW BUSINESS**AMENDMENTS TO PERSONNEL POLICIES AND PROCEDURES**

Mr. McReynolds made a presentation on proposed Resolution R01-176 to amend and readopt as County policy the Personnel Policies and Procedures Manual to become effective October 1, 2001. He noted that staff also reviews the manual on an annual basis, and the only recommended changes this year are to conform with those changes made to the state code or to clarify and simplify the manual.

Mrs. Noll then moved the adoption of proposed Resolution R01-176 that reads:

A RESOLUTION TO AMEND AND READOPT AS COUNTY POLICY THE
PERSONNEL POLICIES AND PROCEDURES MANUAL TO BECOME
EFFECTIVE OCTOBER 1, 2001

WHEREAS, it is the desire of the Board of Supervisors to consolidate and structure all formal personnel policies within the County into a single document subject to the annual review and approval of the Board of Supervisors; and

WHEREAS, the Board has caused such Personnel Policies and Procedures Manual to be developed and submitted for its consideration; and

WHEREAS, the Personnel Policies and Procedures Manual was approved and adopted by the Board by Resolution No. R91-287 on December 19, 1991, and the Board has subsequently reviewed and amended this Manual on an annual basis; and

WHEREAS, in accordance with County policy, staff has completed the required annual review of the Personnel Policies and Procedures Manual for the current year and the County Administrator has submitted certain revisions and changes to the Manual for consideration by the Board which are incorporated into a revised manual dated October 1, 2001;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of October, 2001, that the document identified as the York County Personnel Policies and Procedures Manual be adopted by the Board with an effective date of October 1, 2001.

On roll call, the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

APPROPRIATIONS FOR CARRYFORWARD FUNDS AND UNOBLIGATED COUNTY FUND BALANCES

Mr. McReynolds made a presentation explaining the purpose of proposed Resolution R01-165 to appropriate funds for the purpose of liquidating outstanding purchase orders and the completion of capital and special projects from Fiscal Year 2001, and proposed Resolution R01-166 to appropriate the General Fund Fiscal Year 2001 Unobligated Fund Balance to the Capital Fund.

Mr. Zaremba asked Mr. McReynolds to explain what the Board was being asked to do. He stated there were four pages of expenditures, and some were very substantial. The amount to be carried over is \$16 million.

Mr. McReynolds explained that each spring the Board adopts a resolution for the appropriation of spending for the Fiscal Year from July 1 through June 30. On June 30 the appropriation lapses, and spending authority ceases. A number of goods/services have been ordered that have not yet been received; and when they are received, authority is needed to spend funds to pay the bills. Also, there are a number of on-going projects which need to be moved into the next fiscal year in order to continue or complete them. Mr. McReynolds stated the action is a reauthorization for the projects that have been approved in a prior year budget.

Mr. Zaremba asked Mr. McReynolds to explain the relationship between the two proposed resolutions before the Board at this time.

Mr. McReynolds stated that each fiscal year estimates are made by staff in the budget for what the expenditures and revenues will be. This past year there was an overage of revenues of \$2.1 million. Because the revenues are nonrecurring revenues, staff recommended that those amounts be transferred to the Capital Fund to be used on capital projects. He noted that the overage represents a 1.3 percent difference from actual to budget, or the staff estimates were off by about 1.3 percent.

Mr. Zaremba asked Mr. McReynolds to explain the last paragraph of the memorandum that indicates the County maintains an 18 percent undesignated fund balance.

Mr. McReynolds stated that in order to facilitate on-going public operations and reserve funds to take care of unanticipated things, it is recommended that the County keep about a two-month reserve on hand to take care of those unanticipated expenditures.

Mr. Zaremba stated it made good sense that an 18 percent fund balance be maintained in that the County is sound with respect to its financial condition.

Mr. McReynolds indicated that the bond rating agencies also look at the undesignated fund balance, and this is why the County has a high rating.

Chairman Burgett asked what the County's undesignated fund balance was at present.

Mr. McReynolds indicated it was approximately \$18 million.

Mr. Wiggins moved the adoption of proposed Resolution R01-165 that reads:

A RESOLUTION TO APPROPRIATE FUNDS FOR THE PURPOSE OF
LIQUIDATING OUTSTANDING PURCHASE ORDERS AND FOR THE
COMPLETION OF CAPITAL AND SPECIAL PROJECTS FROM FISCAL
YEAR 2001

WHEREAS, sufficient funds were available but were not expended to liquidate firm obligations of the County of York as evidenced by encumbered valid purchase transactions; and

WHEREAS, it is the intention of the York County Board of Supervisors to continue the financing of certain capital and special projects which were funded in prior fiscal years and which funds are not expended;

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NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of October, 2001, that monies be, and are hereby, appropriated for Fiscal Year 2002 in the funds indicated for the following amounts for the purpose of liquidating encumbered purchase transactions as of June 30, 2001.

<u>Fund</u>	<u>Amount</u>
8 - Tourism Fund	\$ 223,187
11 - County Carryover Fund	574,680
21 - Solid Waste Fund	2,515
25 - Sewer Utility Fund	143,283
26 - Stormwater Maintenance Fund	39,139
44 - Yorktown Waterfront Fund	496
51 - Children's Services / Head Start Fund	6,700
53 - School Food Service Fund	2,309
54 - School Carryover Fund	2,358,472
70 - School Construction Fund	1,617,996
74 - Water & Sewer Extension Fund	3,903,945
78 - Yorktown Capital Improvements Fund	252,467
79 - Capital Fund	120,953

BE IT FURTHER RESOLVED that the following monies be, and are hereby, appropriated for Fiscal Year 2002 in the indicated funds for the purpose of continuing capital and special projects:

<u>Fund</u>	<u>Amount</u>
8 - Tourism Fund	\$ 638,008
11 - County Carryover Fund	3,178,068
13 - Virginia Public Assistance Fund	14,622
21 - Solid Waste Fund	100,000
25 - Sewer Utility Fund	1,022,125
26 - Stormwater Maintenance Fund	1,264,567
51 - Children's Services / HeadStart Fund	1,617
54 - School Carryover Fund	21,996
70 - School Construction Fund	1,476,782
74 - Water & Sewer Extension Fund	5,201,718
78 - Yorktown Capital Improvements Fund	1,274,625
79 - Capital Fund	2,139,003

On roll call, the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
 Nay: (0)

Mr. Wiggins then moved the adoption of proposed Resolution R01-166 that reads:

A RESOLUTION TO APPROPRIATE THE GENERAL FUND FISCAL
 YEAR 2001 UNOBLIGATED FUND BALANCE TO THE CAPITAL
 FUND

WHEREAS, the unobligated fund balance from fiscal year 2001 operations is \$2,072,883, and these funds do not represent recurring revenue and should be used for future capital expenditures;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of October, 2001 that \$2,072,883 be, and hereby is, appropriated in the General Fund for the transfer to the Capital Fund to be used for future capital expenditures.

On roll call, the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

ISSUANCE OF LEASE REVENUE REFUNDING BONDS

Mr. McReynolds made a presentation on proposed Resolution R01-171 to request the Industrial Development Authority of York County to issue its lease revenue refunding bonds, Series 2001.

Mrs. Noll moved the adoption of proposed Resolution R01-171 that reads:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YORK, VIRGINIA REQUESTING THE INDUSTRIAL DEVELOPMENT AUTHORITY OF YORK COUNTY, VIRGINIA TO ISSUE ITS LEASE REVENUE REFUNDING BONDS (YORK COUNTY PROJECT), SERIES 2001

WHEREAS, the Board of Supervisors of the County of York, Virginia ("County") has determined that it is necessary and advisable to refund the outstanding maturities of the County's \$2,750,000 Certificates of Participation, Series 1990 (the "1990 Obligations") and \$2,400,000 Certificates of Participation, Series 1992 (the "1992 Obligations" and, together with the 1990 Obligations, the "Refunded Obligations") through lease revenue bonds ("Bonds") to be issued by the Industrial Development Authority of York County, Virginia ("Authority"). The Refunded Obligations were issued to finance the costs of acquiring, constructing and equipping various County facilities (the "Project"). The County will lease the Project to the Authority pursuant to a lease ("Lease") and will lease the Project back from the Authority pursuant to a Financing Lease. The Bonds will be payable solely from the revenues derived from the Financing Lease from the Authority to the County ("Financing Lease") pursuant to which the County will agree to make rental payments, subject to annual appropriation, sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, the Bonds will be issued pursuant to the following documents: (i) an Indenture of Trust between the Authority and a trustee to be selected by the County Administrator ("Trustee"), with the form of the Bonds attached thereto; (ii) the Lease; (iii) the Financing Lease; (iv) a Leasehold Deed of Trust from the Authority to the individual trustees named therein; (v) an Assignment of Rents and Leases between the Authority and the Trustee; (vi) a Preliminary Official Statement ("Preliminary Official Statement") and an Official Statement ("Official Statement") with respect to the issuance and sale of the Bonds; and (vii) a Bond Purchase Agreement ("Bond Purchase Agreement") among the County, the Authority and BB&T Capital Markes, a division of Scott & Stringfellow, Inc. ("Underwriter"). All of the documents listed above, except the Bonds, the Preliminary Official Statement and the Official Statement are referred to in this Resolution as the "Basic Documents";

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of October, 2001:

Issuance of Bonds. The County requests the Authority to issue its Bonds in the maximum amount of \$3,800,000 to be paid from revenues derived from payments made by the County pursuant to the Financing Lease.

Authorization of Basic Documents. The Bonds and the Basic Documents are approved in substantially the forms on file with the County Administrator, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof) as may be approved by the Chairman of the Board of Supervisors or the County Administrator, whose approval shall be evidenced conclusively by the execution and delivery of the Basic Documents to which the County is a party. The execution and delivery of and performance by the County under the Bonds and the Basic Documents to which it is a party are authorized.

Execution of Documents. The Chairman and Vice Chairman of the Board of Supervisors and the County Administrator, or any of them, are authorized to execute on behalf of the County the Basic Documents to which the County is a party, and, if required, the County Administrator is authorized and directed to affix or to cause to be affixed the seal of the County to the Basic Documents and to attest such seal. Such officers or their designees are authorized to execute and deliver on behalf of the County such instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Basic Documents; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.

Sale of Bonds. The County Administrator and the Chairman of the Board of Supervisors or either of them, is authorized and directed to consent to the terms of the sale of the Bonds by the Authority to the Underwriter and to execute and deliver the Bond Purchase Agreement, provided that (i) the true interest cost of the Bonds shall not exceed 6.5%, (ii) the aggregate principal amount of the Bonds shall not exceed the amount set forth in paragraph 1, (iii) the sale price of the Bonds to the Underwriter shall not be less than 97% of the aggregate principal amount thereof (not taking into account any original issue discount) and (iv) the final maturity of the Bonds shall not be later than 15 years from their date. The approval of such officers shall be evidenced conclusively by the execution and delivery of the Bond Purchase Agreement.

Disclosure Documents. The County Administrator and the Director of Finance, or either of them, and such officers and agents of the County as either of them may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate preliminary official statement and official statement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The preliminary official statement, official statement or other documents shall be published in such publications and distributed in such manner, including by electronic distribution, and at such times as the County Administrator, or such officers and agents of the County as he may designate, shall determine. The County Administrator is authorized to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12.

Nature of Obligations. Nothing in this Resolution, the Bonds or the Basic Documents shall constitute a debt of the County and the Authority shall not be obligated to make any payments under the Bonds or the Basic Documents except from payments made by or on behalf of the County under the Financing Lease. The County Administrator is directed to submit for each fiscal year a request to the Board of Supervisors for an appropriation to the Authority for an amount equal to the rental payments coming due under the Financing Lease for the next fiscal year. The County's obligations to make payments to the Authority pursuant to this

Resolution shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this Resolution, the Bonds or the Financing Lease shall constitute a pledge of the full faith and credit of the County.

Designation for Purchase by Financial Institutions. The County requests the Authority to designate the Bonds as "qualified tax-exempt obligations" eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). The County does not reasonably anticipate that it and any "subordinate entities" will issue more than \$10,000,000 in tax-exempt obligations during calendar year 2001 and the County will not designate more than \$10,000,000 of qualified tax-exempt obligations pursuant to such Section 265(b)(3) in calendar year 2001. In accordance with Sections 265(b)(3)(C) and (D) of the Code, the Bonds are not expected to count toward the \$10,000,000 limitation.

Refunding. The County Administrator and the Chairman of the Board of Supervisors, or either of them is authorized and directed to provide for the Refunded Obligations to be called for redemption and to provide for their refunding.

Effective Date. This Resolution shall take effect immediately.

On roll call, the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

MEMBERSHIP FEE SUBSIDY PROGRAM

Mrs. Anne B. Smith, Director of the Department of Community Services, made a presentation on proposed Resolution R01-164 to approve Board Policy BP01-20 to establish a membership subsidy for York County in the James City County-Williamsburg Community Center and the James River Community Center, and providing an overview of the subsidy program and process. She explained the facilities provided by both community centers.

Mr. Wiggins stated he felt it was an excellent show of regionalism which helps everyone concerned. He applauded Mr. Zaremba for his work in getting this subsidy.

Chairman Burgett and Mrs. Noll agreed that it was a very good plan.

Mrs. Noll then moved the adoption of proposed Resolution R01-164 that reads:

A RESOLUTION TO APPROVE BOARD POLICY BP01-20 TO ESTABLISH A MEMBERSHIP SUBSIDY FOR YORK COUNTY IN THE JAMES CITY COUNTY-WILLIAMSBURG COMMUNITY CENTER AND THE JAMES RIVER COMMUNITY CENTER AND PROVIDE THE NECESSARY FUNDING FOR THIS PURPOSE

WHEREAS, the York County Board of Supervisors adopted Resolution R99-232(R) on December 15, 1999, which authorized execution of an Agreement between the County of York and the Peninsula Metropolitan YMCA for the development of a community center on County-

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owned property in the Tabb area; and

WHEREAS, Resolution R99-232(R) also directed staff to develop a subsidy program so that County residents are able to secure memberships to the James City County-Williamsburg Community Center at a rate that is comparable to that paid by James City County residents; and

WHEREAS, this subsidy program was to begin concurrently with the beginning of construction of the YMCA; and

WHEREAS, the Board of Supervisors recognizes that it may be more convenient for some County residents to utilize the James River Community Center, where membership rates are less expensive than the James City County-Williamsburg Community Center, and agrees to subsidize membership rates to either one or the other of these two facilities;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of October, 2001, that the subsidy program outlined in Board Policy BP01-20 be, and it is hereby, approved and is to be effective beginning November 1, 2001.

BE IT FURTHER RESOLVED that funds not to exceed \$75,000 are approved from the Contingency Reserve for the purposes of subsidizing these membership fees for Fiscal Year 2002.

On roll call, the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

YORK COUNTY HISTORICAL MUSEUM

Mr. McReynolds explained the purpose of proposed Resolution R01-179 to establish a York County Historical Museum, noting that the York County Historical Committee had been working for some time to find a home for the museum.

Mrs. Smith briefed the Board on the Cook Road property that was proposed for the museum. She recommended that the Historical Committee continue its current role but that an independent and separate operating entity be established to receive and spend donations to the museum. She stated bylaws and articles of incorporation had been prepared for the Board's consideration. A provisional operations board consisting of Bonnie Karwac, Lillian Smith, and Delma Bristow has been established. Mrs. Smith stated the Board was also being asked to authorize development of a lease agreement between the County and operations board, with the County to maintain the structure of the building and the museum board being responsible for the internal building, exhibits, casements for exhibits, etc. She noted that currently the building on the property was being leased by a private tenant, and staff felt it was appropriate to give that tenant until March 1, 2002, to vacate the property. She then explained the proposed use of the requested Tourism Funds for this project.

Mrs. Noll stated she was thrilled to see the museum finally getting off the ground, and the proposal was a very good one.

Mr. Zaremba noted he felt the property on Cook Road was purchased with the expansion of the York High School athletic fields in mind.

Mrs. Smith stated the master planning of the site called for other possible uses in conjunction with the addition of athletic fields. There will be adequate room to add a number of fields to the site behind the building and adjacent to the school.

Mr. Zaremba asked what the School Division's position was on this initiative.

Mrs. Smith stated the schools were approached regarding a collaboration with the museum on an addition to the school curriculum. The School Division has worked this in, and the students are already working with the Historical Committee on the Chischiak project and this enterprise. The County/Schools Facility Coordination Team has been aware of the possibility of the Board of Supervisors considering this proposal for several months. She stated that on a staff level, the schools were comfortable with the proposal and feel it is a good collaboration.

Mr. Zaremba asked if there had been coordination with the School Board.

Mrs. Smith stated there had not been any coordination with the School Board in that staff was awaiting the Board of Supervisors' pleasure regarding the proposal.

Mr. Zaremba noted one of his concerns dealt with the ability of the Historical Committee to run a museum full time, and he asked if the County would be asked to hire employees to make it work.

Mrs. Bonnie Karwac, Chairman of the Historical Committee and a member of the Provisional Board, stated the Committee anticipates being able to staff the museum with volunteers and pursue some grants in the future to help with staffing. She stated they have been currently working off the grant the County matched with the Yorktown Foundation on the Chischiak artifacts project.

Discussion followed on the Historical Committee's yearly budget, the lease for the museum at \$1 per year, and the County paying for the museum's utility expenses.

Mr. Ashe asked if there would be an admission charge to the museum.

Mrs. Smith indicated that was a detail that had not yet been worked out. She stated it might be a possibility that evolves over time, but initially the desire was to have an attractive set of exhibits that a lot of people will visit. She indicated that many such museums have a donation box, and this might be the York County museum's course of action rather than an admission charge to start out.

Mr. Ashe stated his concern was that the museum would be open only when there were volunteers to man it. He indicated that if the museum was to work, it had to have a set of hours that could be advertised.

Chairman Burgett indicated the Watermen's Museum runs completely on volunteer staff, and it did not have a problem.

Mr. Zaremba noted the County was in the middle of a major revitalization investment in Yorktown, and this museum proposal fits in the equation to provide another good attraction to visit in Yorktown. He asked that the proposal be coordinated with the School Board to give its

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members the opportunity to support it. He stated the Board of Supervisors wishes the Historical Committee all the best for much success in this endeavor and in making York County a more attractive place to live and visit.

Chairman Burgett noted, as had Mrs. Noll, that the museum has been a long time coming. The Historical Committee members have worked long and hard on this project, and the Board was very pleased. The County's residents will be very fortunate in having this new facility.

Mr. Wiggins then moved the adoption of proposed Resolution R01-179 that reads:

A RESOLUTION TO ESTABLISH A YORK COUNTY HISTORICAL
MUSEUM

WHEREAS, the York County Historical Committee has long planned a Museum for the County, and the Board of Supervisors desires to support such an effort; and

WHEREAS, County staff have worked with the Historical Committee to design an appropriate organizational structure, and such documents as proposed Bylaws, Articles of Incorporation, and a provisional Board, all necessary to establish and operate a Museum, have been prepared; and

WHEREAS, a location and structure, owned by the County and suitable for such a Museum, has been identified, and resources sufficient and appropriate for necessary repairs and upgrades to the structure are available from the tourism-designated lodging tax revenues;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of October, that the Organizational Structure and Bylaws for a York County Historical Museum be, and are hereby, endorsed by the Board of Supervisors, and that the County Attorney is directed to submit the Articles of Incorporation as proposed to the State Corporation Commission.

BE IT FURTHER RESOLVED that County Administrator be, and he hereby is, authorized to negotiate a lease agreement between the County of York and the newly established Museum Board of Directors for occupancy of the County-owned property referred to as the "Mapp House" and certain of the grounds for use as an Historical Museum, and that the County's tenant be advised of the County's intent to issue a notice to vacate the premises by March 1, 2002.

BE IT STILL FURTHER RESOLVED that funds not to exceed \$30,000 are approved from County Tourism Funds to be used for the purpose of such repairs and upgrades on this property as are necessary to ready the facility for use as a Museum.

On roll call, the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

CLOSED MEETING. At 9:10 p.m. Mr. Wiggins moved that the Board convene in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia regarding appointments to Boards and Commissions and the salaries of certain public officials.

On roll call, the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett

Nay: (0)

Meeting Reconvened. At 9:22 p.m. the meeting was reconvened in open session by order of the Chair.

Chairman Burgett moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED SES-
SION

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of October, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call, the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett

Nay: (0)

APPOINTMENT TO THE SENIOR CENTER OF YORK BOARD

Chairman Burgett moved the adoption of proposed Resolution R01-177 that reads:

A RESOLUTION TO APPOINT A REPRESENTATIVE TO THE SENIOR
CENTER OF YORK BOARD

WHEREAS, Doris J. Eagle has submitted her resignation as a member of the Senior Center of York Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of October, 2001, that Charlotte W. Tyeryar be, and is hereby, appointed to the Senior Center of York Board to fill the unexpired term of Doris J. Eagle, such term to begin immediately and expire June 30, 2005.

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On roll call, the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

APPOINTMENT TO THE REGIONAL ISSUES COMMITTEE

Mr. Ashe moved the adoption of proposed Resolution R01-170 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE REGIONAL ISSUES COMMITTEE

WHEREAS, Robert Brandon Forrest, Sr., has resigned his appointment as a citizen member on the Regional Issues Committee; and

WHEREAS, the Board wishes to appoint a citizen to fill the vacancy on the Regional Issues Committee;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of October, 2001, that the following individual be, and is hereby, appointed to serve an unexpired term on the Regional Issues Committee, such term to begin immediately and expire on December 31, 2002:

Joseph R. Ambrose

On roll call, the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

APPOINTMENT TO THE HISTORIC TRIANGLE BICYCLE ADVISORY COMMITTEE

Mr. Zaremba moved the adoption of proposed Resolution R01-173 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE HISTORIC TRIANGLE BICYCLE ADVISORY COMMITTEE

WHEREAS, Paul L. Moses' term on the Historic Triangle Bicycle Advisory Committee expired on April 30, 2001;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of October, 2001, that the following individual be, and is hereby, appointed to serve on the Historic Triangle Bicycle Advisory Committee for a term to begin May 1, 2001, and expire on April 30, 2004:

Paul L. Moses

On roll call, the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett

Nay: (0)

Meeting Adjourned At 9:29 p.m. Mrs. Noll moved that the meeting be adjourned to 6:00 p.m., Tuesday, October 9, 2001, in the East Room, York Hall, for the purpose of conducting a work session.

On roll call, the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett

Nay: (0)

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors